

**RULES AND REGULATIONS PROVIDING STANDARDS
FOR SOLID WASTE DISPOSAL FOR THE
HANNAHVILLE INDIAN COMMUNITY'S
SOLID WASTE MANAGEMENT PLAN**

February, 1994

**Hannahville Indian Community
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Rules and Regulations Providing Standards for Solid Waste Disposal

Introduction

The attached rules and regulations address issues of solid waste removal and disposal on the Reservation of the Hannahville Indian Community. This document was adapted to meet the current situation of the Hannahville Indian Community from a model developed by the Bois Forte Tribe. The document was reviewed by members of the Hannahville Environmental Protection Committee who attended a committee meeting on October 22, 1993. A list of committee members is located in the appendices. These rules will be presented to the Hannahville Tribal Council on December 6, 1993, for their review and approval.

Rules and Regulations

For the protection of public health, the Tribal Council of the Hannahville Indian Community adopted these rules and regulations including and in addition to Resource conservation and Recovery Act (RCRA) regulations, to provide for the following standards.

Standards govern, (1) general conditions for solid waste disposal facilities; (2) solid waste storage, (3) collection and transportation of solid waste, (4) treatment, processing, and utilization of solid waste, (5) disposal of solid waste, (6) site and plan approval, denial, cancellation of approval for solid waste disposal facilities, and exemption of certain sites, (7) incineration of solid waste disposal, (8) non-conforming sites and facilities for solid waste disposal, and (9) variances in solid waste disposal programs.

Section 1. Definitions

For the purpose of these standards, the following words and phrases shall have the meanings ascribed to them in this section and ascribed by law.

- A. Cell - compacted refuse completely enveloped by a compacted cover material.
- B. Collection site - any place designated by the Tribal Council as the site where solid waste may be presented for disposal including transfer stations.
- C. Garbage - all putrescible (decomposable) wastes, including animal and vegetable matter, animal offal and carcasses and recognizable industrial by-products, but excluding sewage and human wastes.
- D. Hazardous solid wastes - any solid waste defined as hazardous waste by the environmental Protection Agency under the provisions of the Resource conservation and Recovery Act of 1976, as amended and includes but is not limited to, explosives, pathological wastes, pesticides, chemicals, and other toxic materials which are harmful to public health and the environment.
- E. Incineration - the process of burning solid, semi-solid or gaseous combustible wastes to an inoffensive gas or residue containing little or no combustible material.

- F. Non-resident - any person who does not have a permanent place of residence on the Reservation, except as hereafter provided. Non-resident does not mean any temporary or seasonal resident, for purposes of solid waste generated at the temporary or seasonal residence and does not mean any place of business, for purposes of solid waste generated at the business.
- G. Open burning - any fire wherein the products of combustion are emitted directly into the atmosphere and are not directed through a stack or chimney, incinerator, or other similar device.
- H. Open dump - the consolidation of solid waste from one or more sources at a disposal site which has unsanitary conditions, little or no cover, usually burning, and little or no management.
- I. Person - any individual, firm, governmental unit, organization, partnership, corporation or company.
- J. Putrescible - solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal, and carcasses.
- K. Radioactive solid waste - any radioactive material.
- L. Refuse - all non-putrescible (non-decomposable) waste.
- M. Reservation - the Hannahville Indian Community.
- N. Sanitary landfill - a method of disposing of solid waste on land in a sanitary manner without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such frequent intervals as may be necessary.
- O. Solid waste - all garbage, refuse, rubbish, trash, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return or other common pollutants.
- P. Solid waste collector - any person who collects or transports solid waste.
- Q. Solid waste disposal - the collection, storage, treatment, utilization, processing, or final disposal of solid waste.
- R. Solid Waste disposal facility - land, personnel, equipment, or other resources used in the disposal of solid wastes.
- S. Solid waste disposal site - any place at which solid wastes are disposed of by incineration, sanitary landfill or other methods.
- T. Spoiled food - means any food which has been removed from sale by the United States Department of Agriculture, Food and Drug Administration, and any other regulatory agency having jurisdiction in judging food unfit for consumption.

- U. Transfer station - any facility approved by the Hannahville Tribal Council for the purpose of collecting, transporting, and disposing of solid waste.
- V. Tribal Council - the Hannahville Tribal Council, the duly elected 12-member governing body of the Hannahville Indian Community, which is empowered to undertake solid waste management programs.
- W. Tribal Court - the Hannahville Tribal Court.
- X. Tribal Health Services - the Health Director, or his or her authorized representatives.
- Y. Tribe - the Hannahville Indian Community.
- Z. Tribal lands - all trust lands or lands owned by the Hannahville Indian Community.
- AA. Vector - an insect or other animal which transmits infectious diseases from one person or animal to another.
- BB. Water supply watershed - an area from which water drains to a point or impoundment, and the water is then used as a source for a public water supply.

Section 2. Applicability

These solid waste disposal rules and regulations are for general application throughout the Reservation unless otherwise specifically indicated by their context or by the Tribal Council. These standards are the official policy of the Hannahville Indian community.

Solid Waste Disposal Program

The Hannahville Tribal Council is authorized and directed to engage in research, conduct investigations and surveys, make inspections, and to establish a reservation-wide solid waste disposal program. In establishing a program, the Tribal Council has the authority to:

- A. Provide standards for the establishment, location, operation, maintenance, use and discontinuance of solid waste disposal sites and facilities. Such standards are designed to accomplish the maintenance of safe and sanitary conditions in and around solid waste disposal sites and facilities, and are based on recognized public health practices and procedures, sanitary engineering research and studies, and current technological development in equipment and methods.
- B. Develop a comprehensive program for the implementation of safe and sanitary practices for disposal of solid waste throughout the Reservation.
- C. Advise, consult, and cooperate with other agencies, units of government, industries, and individuals in the formulation and carrying out of a solid waste disposal program.

Section 3. General Conditions

- A. All solid waste shall be collected, stored, transported, treated, utilized, processed, reclaimed,

recycled, and disposed of in a manner consistent with the requirements of these standards. The Hannahville Tribal Council is responsible for the enforcement of the standards and encourages cooperation from all individuals, municipalities, county governments, local health departments, sanitary and regional districts and private enterprises.

- B. Notwithstanding Section 3. A. Above, no radioactive solid wastes shall be collected, transported, stored, treated, processed, disposed of or reclaimed, except as specifically authorized by a radioactive material license issued by the Hannahville Tribal Council.'

Section 4. Solid Waste Storage

- A. The manager or occupant of any premise, business establishment or industry is responsible for the sanitary storage of all solid waste accumulated at that premise, business establishment, or industry.
- B. Garbage shall be stored in:
 - (1) durable, rust resistant, nonabsorbent, water tight, rodent proof, and easily cleanable containers with a close fitting insect tight cover and with adequate handles or bails to facilitate handling or,
 - (2) Other types of containers acceptable to the Tribal Council and conforming to the intent of this section.
- C. Refuse shall be stored in durable containers that meet the intent in this section. Where garbage is stored in combination with non-putrescible (non-decomposable) refuse, containers for the storage of the mixture shall meet the requirements of the garbage containers.
- D. Hazardous solid waste, pending disposal, shall be stored in containers at locations prescribed in the applicable state or federal regulations for control of the specific hazardous material. Such storage shall be monitored by the Hannahville health Department.
- E. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary conditions. Containers that are broken or otherwise fail to meet this standard shall be replaced with acceptable containers. Refuse too large or otherwise not suitable for storage in containers shall be stored in a nuisance free manner consistent with requirements of the Tribal Council.
- F. Recyclables, as defined in Section 5.E., may be stored in a receptacle designated for that purpose, as provided for in Section 4.
- G. Non-recyclables, as defined in Section 5.F., may be stored in bags designated for that purpose, as provided for in Section 4.
- H. Unless otherwise provided for in a written rental agreement or lease, the tenant of any single unit detached residence and the resident manager of any multi-unit residence shall be responsible for the provision and maintenance of containers as specified in Section 4(b) 91), above. The Tribe may assume this responsibility for tribally-owned properties.

Section 5. Operational Requirements for Solid Waste Disposal Transfer Stations

- A. All Transfer Stations shall be designed and operated in a manner so as to prevent the creation of a nuisance or potential health hazard and must comply with the applicable requirements of these standards and those of the United States Environmental protection Agency.
- B. Construction of a Transfer Station shall not be initiated prior to the approval of plans by the Hannahville Tribal council.
- C. The approach road to the disposal site shall be of all-weather construction and maintained in good

condition by the Tribe.

- D. Plans and drawings for each proposed Transfer Station, including a plot plan of all facilities, together with a detailed description of proposed operational procedures, shall be submitted to the Hannahville Tribal Council for review and evaluation.
- E. The operation for each proposed Transfer Station shall be considered for approval on its merits and in compliance with the following criteria, and in accordance with acceptable engineering practices:
 - (1) The Transfer Station shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.
 - (2) Signs shall be posted at the Transfer Station's entrance specifying location of the dumping area and indicating the normal hours the facility is in operation for tribal use. Access to the Station is limited to those times when authorized personnel are on duty.
 - (3) All solid waste to be disposed of at the Transfer Station shall be confined to the dumping area. Adequate storage facilities shall be provided.
 - (4) Facilities shall be designed to provide for dust control in the loading areas.
 - (5) Effective vector control measures shall be applied to control flies, rodents, and other insects or vermin.
 - (6) Fire-fighting equipment shall be available in the loading and storage areas, and elsewhere as needed.
 - (7) Arrangements shall be made with the local fire departments to provide fire-fighting services in an emergency.
 - (8) Communication procedures shall be provided for emergency purposes.
 - (9) Equipment shall be provided in the storage and loading areas and elsewhere as needed to maintain the Transfer Station in a sanitary condition.
 - (10) All residue from the Transfer Station shall be promptly disposed of at an approved site and in a manner consistent with the applicable Sections of these standards.
 - (11) All waste water from the Transfer Station shall be removed and disposed of in accordance with the applicable regulations, standards, or requirements of the Tribe.
 - (12) The Hannahville Tribal Council or their designee shall inspect the facility to determine conformance with the approved plan and with the applicable provisions of these standards prior to initial operation.
 - (13) Appropriate facilities shall be provided to confine possible windblown material within the area. At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and returned to the area by the operator.

(14) Animal carcasses and other animal waste shall not be accepted at the Transfer Station, except as may be permitted by applicable federal and tribal regulations.

(15) No hazardous wastes shall be accepted at the Transfer Station, except as may be permitted by applicable federal and tribal regulations.

Section 6. Nonconforming Sites and Facilities

A. Modification of existing sites and facilities and of operating procedures to conform to the requirements of these standards shall be accomplished. When the degree of necessary improvement is of such extent that immediate compliance cannot be accomplished, special consideration may be made by the Hannahville Tribal Council. In such event, the operator of the nonconforming site or facility shall submit a report and a time schedule for submission of plans, specifications, and construction of necessary improvements.

B. Existing incinerators which do not meet air pollution emission standards shall be made to conform to requirements and to implementation schedules established by the Tribe and/or federal air pollution control authorities.

C. Although no open dumps currently exist on the Reservation, any open dump sites used illegally for disposal of solid waste on the effective date of these standards shall be closed by the following actions, or by such guidelines as are in effect on their date of closure:

(1) Implement effective rat control, including baiting for at least two weeks after closing, to prevent rat migration to adjacent properties.

(2) Compact and cover existing solid waste. Final cover for the entire area shall meet EPA guidelines for closure.

(3) Implement erosion control measures by grading and seeding if necessary.

(4) Post signs indicating the dump site closure.

Section 7. Receptacles for Garbage and Refuse

All house occupants and managers of businesses shall place garbage and refuse in appropriate receptacles provided for that purpose by the Tribe or the occupant for removal.

Section 8. Use of Designated Receptacles Required

It shall be unlawful for any person to place garbage and refuse on any street which would render the streets and premises unclean, except in proper receptacles accessible for collection.

Section 9. Tree Limbs, Cuttings, Stumps, Shrubbery, Yard Waste (Vegetative)

It shall be the duty of the property occupant to dispose of tree limbs, cuttings, stumps, shrubbery, and other yard waste (including paper), unless this duty is assumed by the Tribe.

Section 10. Debris from Construction, Demolition and Repair of Buildings

It shall be the duty of the property occupant to dispose of debris resulting from the construction, demolition, or repair of buildings, unless this duty is assumed by the Tribe.

Section 11. Disposal of Discarded Appliances, Etc.

It is the duty of the property occupant to dispose of discarded appliances such as iceboxes, refrigerators, stoves and other items too large to be handled by regular disposal procedures by calling a private hauler or requesting a special pickup from the Tribe.

Section 12. Scavenging Garbage Containers, Dumps, Etc.

It is unlawful for any person to empty any garbage, rubbish or refuse from any garbage can or container, for the purpose of combing through the contents of said can or containers for salvageable materials or food. It is unlawful to do any scavenging from any of the closed Tribal dump sites. Violators will be prosecuted as litterers or under other applicable tribal laws.

Section 13. Enforcement

- A. Under the direction of the Tribal Council and the health Board, the Solid Waste Administrator (Health Administrator) and all tribal law enforcement and conservation enforcement personnel are empowered to enforce these rules and regulations.
- B. Actions for violations may be heard in tribal court by conservation citation, summons and complaint, or criminal warrant.
- C. Violation of any provision of these rules and regulations may be punished or remedied by a civil fine or forfeiture not to exceed \$1,000. Each day of any continuing violation may be charged as a separate violation.

Section 14. Variances

- A. In order to avoid undue hardships, and to promote the effective and reasonable application and enforcement of these standards, the Hannahville Tribal Council may grant variances from the requirements of these standards in accordance with such procedures and conditions as it may prescribe. Each application for variance shall be examined on the basis of conditions prohibiting full compliance. Applications are to be made to the Solid Waste Administrator (Health Administrator) and subsequently heard by the Tribal Council or their designee.
- B. Variable factors such as population density, daily or seasonal loadings, nature of wastes, location of facility or facilities, water table conditions, topography, soil and geology, climate, land use, stream and reservoir classification are to be taken into account in determining the degrees of variance, if any, which may be allowed. An environmental impact study may be conducted in some instances.

Section 15. Limitations

Nothing in these standards shall be construed to limit the authority of the Tribal Council from adopting more

stringent solid waste disposal requirements than those set forth in these standards.

Section 16. Severability

If any provision of these standards or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the standards, and to this end the provisions of these standards are severable.

Section 17. Repealer

All rules and regulations heretofore adopted by the Tribal Council which are in conflict with the provisions of these rules and regulations are hereby repealed.